

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

BRIAN J. SHORT,

Plaintiff,

v.

Case No. 13-10085

Hon. Lawrence P. Zatkoff

CITY OF DEARBORN and 19<sup>th</sup> DISTRICT  
COURT,

Defendants.

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**OPINION AND ORDER**

AT A SESSION of said Court, held in the United States Courthouse,  
in the City of Port Huron, State of Michigan, on March 4, 2013

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

**I. INTRODUCTION**

This matter is before the Court on Plaintiff's timely-filed "Motion for Rehearing" (hereinafter referred to as "motion for reconsideration") (dkt # 10). Plaintiff seeks reconsideration of the Court's Opinion and Order dated February 13, 2013, wherein the Court summarily dismissed Plaintiff's *pro se* complaint as frivolous and for failure to state a claim pursuant to 28 U.S.C. § 1915(e) (dkt # 7). Local Rule 7.1(h)(2) of the Eastern District of Michigan's Local Rules provides that no response to a motion for reconsideration is permitted unless ordered by the Court. In this case, the Court concludes that no response is necessary with respect to any part of Plaintiff's filing. The Court further concludes that the facts and legal arguments are adequately set forth in the brief submitted. Therefore, finding that the determination of the motion will not be aided by oral

argument, and pursuant to E.D. MICH. L.R. 7.1(f)(2), this Court ORDERS that the motion be decided upon the brief submitted, without this Court entertaining oral arguments. For the reasons that follow, Plaintiff's motion for reconsideration is DENIED.

## II. ANALYSIS

In order to obtain reconsideration of a particular matter, the party bringing the motion for reconsideration must: (1) demonstrate a palpable defect by which the court and the parties have been misled; and (2) demonstrate that "correcting the defect will result in a different disposition of the case." E.D. MICH. L.R. 7.1(h). *See also Graham ex rel. Estate of Graham v. County of Washtenaw*, 358 F.3d 377, 385 (6th Cir. 2004); *Aetna Cas. and Sur. Co. v Dow Chemical Co.*, 44 F.Supp.2d 865, 866 (E.D. Mich. 1999); *Kirkpatrick v. General Electric*, 969 F.Supp. 457, 459 (E.D. Mich. 1997). "[T]he court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." E.D. MICH. LR 7.1(h)(3).

The Court hereby denies Plaintiff's motion for reconsideration. In essence, Plaintiff's motion: (a) reiterates the same facts he set forth in his *pro se* complaint, and (b) asks the Court to revisit the same issues expressly, or impliedly, ruled upon by the Court when it summarily dismissed his *pro se* complaint. Replicating his *pro se* complaint and filing it as a motion for reconsideration is not sufficient to cause the undersigned to reinstate Plaintiff's complaint.

Accordingly, the Court concludes that there was no palpable defect upon which the Court or the parties were misled; therefore, the Court denies Plaintiff's motion for reconsideration.

### **III. CONCLUSION**

For the reasons set forth above, IT IS HEREBY ORDERED that Plaintiff's motion for reconsideration (dkt # 10) is DENIED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff  
Hon. Lawrence P. Zatkoff  
U.S. District Judge

Dated: March 4, 2013